

09-14-05

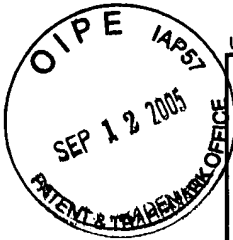
JPW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/776,682	
	Filing Date	February 10, 2004	
	First Named Inventor	Rodolfo A. MORALES	
	Art Unit	3764	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	10 pages + 10 refs.	Attorney Docket Number	578492000510

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental) - 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08a/b + copy - 6 pages Ten (10) references Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Mika Mayer		
Date	September 12, 2005	Reg. No.	47,777

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 54497483 0 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 12, 2005

Signature:

(Georgina Matos)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 544974830 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 12, 2005 Signature: Georgina Matos
(Georgina Matos)

Patent

Docket No. 578492000510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Rodolfo A. MORALES et al.

Examiner: Not Yet Assigned

Group Art Unit: 3764

Serial No.: 10/776,682

Filing Date: February 10, 2004

For: DEVICES AND METHODS FOR
HEART VALVE REPAIR

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

Applicants would like to draw the Examiner's attention to the co-pending applications listed below:

Application Serial No. 10/901,444, filed July 27, 2004, by Starksen et al.,

Application Serial No. 10/901,455, filed July 27, 2004, by Starksen et al.,

Application Serial No. 10/901,555, filed July 27, 2004, by Starksen et al.,

Application Serial No. 11/137,833, filed May 24, 2005, by Starksen et al., and

Application Serial No. 11/202,474, filed August 11, 2005, by To et al.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)


Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

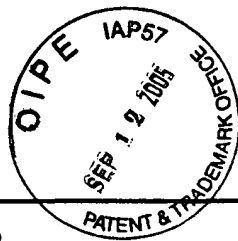
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 578492000510.

Dated: September 12, 2005

Respectfully submitted,

By 
Mika Mayer
Registration No.: 47,777
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-4298



ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/776,682
				Filing Date	February 10, 2004
				First Named Inventor	Rodolfo A. MORALES
				Art Unit	3764
				Examiner Name	Not Yet Assigned
Sheet	1	of	3	Attorney Docket Number	578492000510

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-2001/0005787-A1	06-28-2001	Oz et al.	
	2.	US-2001/0014800-A1	08-16-2001	Frazier et al.	
	3.	US-2002/0013621-A1	01-31-2002	Stobie et al.	
	4.	US-2002/0029080-A1	03-07-2002	Mortier et al.	
	5.	US-2002/0035361-A1	03-21-2002	Houser et al.	
	6.	US-2002/0042621-A1	04-11-2002	Liddicoat et al.	
	7.	US-2002/0087048-A1	07-04-2002	Brock et al.	
	8.	US-2002/0087049-A1	07-04-2002	Brock et al.	
	9.	US-2002/0087148-A1	07-04-2002	Brock et al.	
	10.	US-2002/0087169-A1	07-04-2002	Brock et al.	
	11.	US-2002/0095167-A1	07-18-2002	Liddicoat et al.	
	12.	US-2002/0095175-A1	07-18-2002	Brock et al.	
	13.	US-2002/0156526-A1	10-24-2002	Hlavka et al.	
	14.	US-2002/0161378-A1	10-31-2002	Downing	
	15.	US-2002/0173841-A1	11-21-2002	Ortiz et al.	
	16.	US-2003/0018358-A1	01-23-2003	Saadat	
	17.	US-2003/0069593-A1	04-10-2003	Tremulis et al.	
	18.	US-2003/0074012-A1	04-17-2003	Nguyen et al.	
	19.	US-2003/0078465-A1	04-24-2003	Pai et al.	
	20.	US-2003/0220685-A1	11-27-2003	Hlavka et al.	
	21.	US-2003/0233142-A1	12-18-2003	Morales et al.	
	22.	US-2004/0003819-A1	01-08-2004	St. Goar et al.	
	23.	US-2004/0019378-A1	01-29-2004	Hlavka et al.	
	24.	US-2004/0030382-A1	02-12-2004	St. Goar et al.	
	25.	US-2004/0039442-A1	02-26-2004	St. Goar et al.	
	26.	US-2004/0193191-A1	09-30-2004	Starksen et al.	
	27.	US-2004/0243227-A1	12-02-2004	Starksen et al.	
	28.	US-2005/0055087-A1	03-10-2005	Starksen	
	29.	US-2005/0065550-A1	03-24-2005	Starksen et al.	
	30.	US-2005/0107810-A1	05-19-2005	Morales et al.	
	31.	US-2005/0107811-A1	05-19-2005	Starksen et al.	
	32.	US-2005/0107812-A1	05-19-2005	Starksen et al.	
	33.	US-2005/0119523-A1	06-02-2005	Starksen et al.	
	34.	US-4,014,492	03-29-1977	Rothfuss	
	35.	US-4,042,979	08-23-1977	Angell	
	36.	US-4,043,504	08-23-1977	Hueil et al.	
	37.	US-4,055,861	11-01-1977	Carpentier et al.	
	38.	US-4,700,250	10-13-1987	Kuriyama	
	39.	US-5,242,456-A	09-07-1993	Nash et al.	
	40.	US-5,366,479-A	11-22-1994	McGarry et al.	
	41.	US-5,450,860-A	09-19-1995	O'Connor	
	42.	US-5,571,215-A	11-05-1996	Sterman et al.	
	43.	US-5,674,279-A	10-07-1997	Wright et al.	
	44.	US-5,709,695-A	01-20-1998	Northrup, III	
	45.	US-5,716,370-A	02-10-1998	Williamson, IV et al.	
	46.	US-5,725,542-A	03-10-1998	Yoon	
	47.	US-5,848,969-A	12-15-1998	Panescu et al.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

pa- 1006899

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/776,682
				Filing Date	February 10, 2004
				First Named Inventor	Rodolfo A. MORALES
				Art Unit	3764
				Examiner Name	Not Yet Assigned
Sheet	2	of	3	Attorney Docket Number	578492000510

	48.	US-5,860,992-A	01-19-1999	Daniel et al.	
	49.	US-5,904,651-A	05-18-1999	Swanson et al.	
	50.	US-5,961,539-A	10-05-1999	Northrup, III et al.	
	51.	US-5,972,004-A	10-26-1999	Williamson, IV et al.	
	52.	US-5,989,284-A	11-23-1999	Laufer	
	53.	US-6,010,531-A	01-04-2000	Donlon et al.	
	54.	US-6,074,401-A	06-13-2000	Gardiner et al.	
	55.	US-6,149,658-A	11-21-2000	Gardiner et al.	
	56.	US-6,165,183-A	12-26-2000	Kuehn et al.	
	57.	US-6,197,017-B1	03-06-2001	Brock et al.	
	58.	US-6,250,308-B1	06-26-2001	Cox	
	59.	US-6,260,552-B1	07-17-2001	Mortier et al.	
	60.	US-6,269,819-B1	08-07-2001	Oz et al.	
	61.	US-6,283,993-B1	09-04-2001	Cosgrove et al.	
	62.	US-6,312,447-B1	11-06-2001	Grimes	
	63.	US-6,332,893-B1	12-25-2001	Mortier et al.	
	64.	US-6,355,030-B1	03-12-2002	Aldrich et al.	
	65.	US-6,514,265-B2	02-04-2003	Ho et al.	
	66.	US-6,524,338-B1	02-25-2003	Gundry	
	67.	US-6,551,332-B1	04-22-2003	Nguyen et al.	
	68.	US-6,602,288-B1	08-05-2003	Cosgrove et al.	
	69.	US-6,607,541-B1	08-19-2003	Gardiner et al.	
	70.	US-6,613,059-B2	09-02-2003	Schaller et al.	
	71.	US-6,619,291-B2	09-16-2003	Hlavka et al.	
	72.	US-6,626,899-B2	09-30-2003	Houser et al.	
	73.	US-6,629,534-B1	10-07-2003	St. Goar et al.	
	74.	US-6,651,671-B1	11-25-2003	Donlon et al.	
	75.	US-6,689,164-B1	02-10-2004	Seguin	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	76.	WO-94/03227-A1	02-17-1994	Stefanadis et al.		
	77.	WO-00/60995-A2, A3	10-19-2000	Evalue, Inc.		
	78.	WO-00/67640-A2, A3	11-16-2000	Brock Rogers Surgical, Inc.		
	79.	WO-01/26586-A1	04-19-2001	Seguin	Translation of Abstract Only	
	80.	WO-02/051329-A1	07-04-2002	Brock Rogers Surgical, Inc.		
	81.	WO-03/105670-A2, A3	12-24-2003	Guided Delivery Systems, Inc.		
	82.	WO-2005/025644-A2	03-24-2005	Guided Delivery Systems, Inc.		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

pa- 1006899

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/776,682
				Filing Date	February 10, 2004
				First Named Inventor	Rodolfo A. MORALES
				Art Unit	3764
				Examiner Name	Not Yet Assigned
Sheet	3	of	3	Attorney Docket Number	578492000510

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	83.	De Simone, R. et al. (April 15, 1993). "Adjustable Tricuspid Valve Annuloplasty Assisted by Intraoperative Transesophageal Color Doppler Echocardiography," <i>Am. J. Cardiol.</i> 71(11):926-931.	
	84.	De Simone, R. et al. (April 1, 1994). "Adjustable Annuloplasty for Tricuspid Insufficiency with External Control," <i>Reader's Comments and Reply, Am. J. Cardiol.</i> 73(9):721-722.	
	85.	Downing, S.W. et al. (2002). "Feasibility of Off-Pump ASD Closure Using Real-Time 3-D Echocardiography," <i>The Heart Surgery Forum</i> 5(2):96-99, Abstract 7025.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--